

Meeting No. 9
June 14, 2004
Hamburg Town Board Meeting
S-6100 South Park Avenue
Hamburg, New York 14075

Supervisor Hoak calls the meeting to order at 7:00 p.m.

Roll Call:	Patrick H. Hoak	Supervisor
	D. Mark Cavalcoli	Councilman
	Kathleen C. Hochul	Councilwoman
	Joan A. Kesner	Councilwoman
	Thomas Quatroche Jr.	Councilman

Also Present:	Catherine Rybczynski	Town Clerk
	Richard Boehm	Deputy Town Attorney
	James Spute	Finance Director
	Gerard Kapsiak	Town Engineer
	Robert Hutchison	Town Assessor
	Joseph Coggins	Police Chief
	Drew Reilly	Planning Consultant
	Christopher Hull	Director of Community Development
	James Connolly	Highway Superintendent
	Martin Denecke	Director of Recreation
	Tim Ellis	Traffic Safety Coordinator
	Kurt Allen	Supervising Building Inspector

The Pledge of Allegiance was recited.

Information on Fire Exits was provided.

Supervisor Hoak announces that he has a presentation to make prior to the public hearing. He then presents an award to Town Clerk, Catherine Rybczynski from General Code which is a 2004 Honoree for the Municipal Clerks Honor Roll. This is in appreciation of outstanding and dedicated service to the Town for all the changes and updates that have been made in that office. Supervisor Hoak thanks her for all her hard work.

7:00 p.m. Public Hearing for proposed Local Law #2, 2004 for the adoption of an amendment to said Zoning Code for property located at 5424 Southwestern Boulevard (K-Technologies) to be rezoned from R-2 to C-2.

Catherine Rybczynski, Town Clerk, reads the following legal notice as published in the Hamburg Sun and the Front Page:

LEGAL NOTICE
TOWN OF HAMBURG

PLEASE TAKE NOTICE that there has been presented to the Town Board on May 10, 2004, pursuant to the Municipal Home Rule Law, a proposed local law to be known as proposed local law #2, 2004; said local law provides for the amendment of Local Law #10, 1986, Chapter 280-entitled Zoning, and provides substantially as follows:

For the adoption of an amendment to said Zoning Code for property located at 5424 Southwestern Boulevard (K-Technologies). The property is to be rezoned from R-2 (Single Family Residence Attached District) to C-2 (General Commercial District) described as follows:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie and State of New York, being part of Lot No. 21, Township 9, Range 8 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at the intersection of the west line of Lot No. 21 with the center line of Abel Road, which point is 35.2 feet northerly from the southwest corner of Lot No. 21, as measured along the west line of Lot. No. 21; thence northeasterly along the center line of Abel Road, 372.89 feet to the southern most corner of lands conveyed to Stanley Mikolajczyk and Dorothy his wife, by deed recorded in the Erie County Clerk's Office in Liber 6327 of Deeds at page 557; thence northwesterly at right angles to the center line of Abel Road and along the southwesterly line of Mikolajczyk's land, 332.8 feet more or less to the west line of Lot NO. 21; thence southerly at an interior angle of 48° 26' and along the west line of Lot No. 21, 493.46 feet more or less to the point or place of beginning.

THEREFORE, pursuant to the statutes and the provisions of the Municipal Home Rule Law, the Town Board of the Town of Hamburg will hold a public hearing on June 14, 2004 at 7:00 p.m. (local time), at which time all interested persons may be heard.

Dated: May 10, 2004

Catherine Rybczynski
Town Clerk
Town of Hamburg

Catherine Rybczynski comments that there was one item of correspondence from the Town Planning Board stating that at the Work Session of May 5th, 2004, a favorable recommendation was made for the rezoning of the K-Technologies parcel from R-2 to C-2 as it is an existing use. The Master Plan also shows that this area should be C-2. The parcel originally was a C-2, and was changed when the Southwestern Overlay was formulated.

Supervisor Hoak comments that there will be no action taken for at least two weeks. Before public comment he asks that Mr. Reilly give a presentation on this.

Mr. Reilly comments that this is on Abel Road, right where Brookfield intersects. The only parcel being rezoned is the parcel owned by K-Technologies. He then shows an aerial photo and describes the surrounding parcels. Stating that there are commercial businesses in that area. The property is currently zoned R-2 which allows for Single family homes and duplexes and they have requested to change it to C-2 which is the highest commercial zoning in the Town. This does allow for custom shops. The applicant first came to them and he wanted to do improvements to the property and they told him he was a non-conforming use. He has a commercial business in a residential zone and can only expand up to 25%. He did some improvements to the property, but then a few years later wanted to do additional improvements and in order to go beyond the 25% expansion, he needed to go to the Zoning Board of Appeals and get a variance. He did that but decided that he didn't want to invest all that money into the property if it is zoned residential and would be difficult to sell or to continue his operation there. So, the Town considered rezoning it. First there was a request for Industrial and then they came up with the C-2 zoning. Originally most of Southwestern in this area was commercial zoning and when they did the Southwestern Overlay they looked into certain properties that fronted on Southwestern and said they should have the commercial zoning. Properties facing on the back roads should be residential. The unfortunate thing about this business is that it faces Abel Road, even though it has some minor frontage on Southwestern. They are here to answer any questions and get input from the public.

Councilwoman Hochul questions what the footprint of the existing building is and whether it will be enlarged or if they are just changing the designation of land.

Drew responds that the applicant does have a plan that is before the Planning Board and if the rezoning is approved there is an application to expand the building on this property.

Councilwoman Hochul questions what the total square footage of the building will be. Someone responds 10,000 sq. ft.

Drew then comments that he has a site plan if anyone is interested in looking at it. He doesn't want to act on this and invest the money until the property is rezoned.

Councilwoman Hochul questions when it was last zoned commercial. Drew responds that was 18 or 19 years ago. Southwest Boulevard was rezoned in the late 80's.

Supervisor Hoak asks Mr. Kryszak, owner, to make a few comments.

Mr. Kryszak comments that he has been going through some growth with his company and they bought the property with the intent to stay there and keep his business in the Town of Hamburg.

Mr. Kryszak comments that he employees about 30 full time people. He started with about 4 employees four years ago. Councilman Cavalcoli asks if the expansion will allow him to hire more people. Mr. Kryszak responds yes he will probably hire another 15 people.

Joe Kilian comments on the size of the building.

George Lee comments that he thinks this will be a good thing to rezone this and allow him to expand.

Councilman Cavalcoli thanks him for his support for this business in Hamburg. It is important to everyone to keep business in Hamburg and full-time, good paying jobs, rather than entry level.

Councilman Cavalcoli comments that he would be prepared to approve this, if there are no further problems, on July 12, 2004.

RESOLVED, that the Town Board close the Public Hearing at this time.

RESOLVED, that the Town Board approve the minutes of the following meetings:

RESOLVED, that the Town Board approve the hiring and termination of personnel for the Assessing Department as follows:

Moved: Kesner
Seconded: Cavalcoli
Roll Call:
Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
Noes: None
Carried

RESOLVED, that the Town Board authorize the Supervisor to sign Section 6 of the PO-17 Form requesting Erie County Department of Personnel to complete Section 7 for the classification of a new Heavy Equipment Operator position for Buildings and Grounds.

Moved: Quatroche Seconded: Hochul
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
 Noes: None
 Carried

RESOLVED, that the Town Board approve the hiring and termination of personnel for the Police Department as follows:

1.	Mikac, Ryan	Seasonal Part-Time	06/21/2004	\$8.03
2.	Mikac, Ryan	Part-Time	06/20/2004	Terminate

Moved: Hoak Seconded: Cavalcoli
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
 Noes: None
 Carried

RESOLVED, that the Town Board approve the membership of the following into the Lake Shore Volunteer Fire Company, Inc.:

Francis D. Schneider
5303 Rogers Road, Apt. B
Hamburg, N.Y. 14075

[illegible]

BE IT RESOLVED, that the Hamburg Town Board authorize the Department of Community Development to advertise a Sealed Bid and a Public Notice for the following projects:

- 1) Village of Blasdell Infrastructure Reconstruction project (Pearl Avenue).
- 2) Land Sale; Parcel No. 160.09-5-4.11.

The above projects were authorized under the Community Development program. Funding for publications are available in the appropriate account pertaining to each project.

Moved: Kesner Seconded: Cavalcoli
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
 Noes: None
 Carried

VIII.

WHEREAS, the Town of Hamburg Department of Community Development is the owner of the following described parcel of land; 160.09-5-4.11, further described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Hamburg, County of Erie and State of New York, being part of Lot 8, Township 9, and Range 8 of the Holland Land Company's Survey, being further identified as all of tax map Parcel No. 160.09-5-4.11 and being more particularly bounded and described as follows:

BEGINNING at a point on the north line of North Street and the west line of West Street, as shown on Map Cover 694 filed in the Erie County Clerk's office; thence northerly and parallel with the west line of Lot 8, a distance of 1302.24 feet to the south line of the Hamburg Natural History Society, Inc. property; thence easterly along the south line of the Hamburg Natural History Society, Inc. property, a distance of 500 feet; thence southerly and parallel to the west line of Lot 8, a distance of 1177.23 feet; thence easterly along the south line of the Hamburg Natural History Society property, a distance of 627.59 feet; thence southerly at a right angle, a distance of 125 feet to the north line of North Street; thence westerly along the north line of North Street, a distance of 1125.72 feet to the point or place of beginning, and containing an area of approximately 16.75 acres.

WHEREAS, said premises were purchased utilizing federal Community Development Block Grant funds.

WHEREAS, the Town Board adopted a resolution, subject to permissive referendum, on April 26, 2004, authorizing the sale of said property, and

WHEREAS, no such permissive referendum was filed nor any opposition declared, and

WHEREAS, the Buffalo office of the United States Department of Housing and Urban Development has also approved of the sale of the property subject to regulations pertaining to such sales.

NOW THEREFORE BE IT RESOLVED, that the Hamburg Town Board authorize the Department of Community Development to advertise the sale of the fore mentioned parcel of land for a minimum bid price of \$70,000.00 with all legal and closing expenses for this parcel to be paid for by the purchaser as part of said purchase. Funding for publication is available in the Community Development Acquisition/Subsidy account.

Moved: Kesner

Seconded: Cavalcoli

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

Supervisor Hoak comments that Community Development would like to double the money that they have invested in this and put that money to use in other Community Development programs.

Ferd Garcia questions what percent of Community Development funds was used to purchase this property originally.

Supervisor Hoak responds that this was part of a big parcel. Part of this parcel was for affordable housing, part for the fossil site, and part for industrial development. They are selling the industrial development piece because there has been no interest in 10 years. They purchased it for approximately \$35,000 and are selling it for \$70,000. They can then take this money and invest it in Community Development projects. Ferd questions what percentage of the property is being sold.

Christopher Hull, Director of Community Development comments that they purchased 25 acres. This is approximately 16.75 acres

IX.

WHEREAS, the Town of Hamburg has been processing a site plan application entitled “Hickey Farms Senior Apartments, and

WHEREAS, due to the mixture of uses proposed on the property, the Planning Board referred the application to the Zoning Board of Appeals (ZBA for an interpretation of the zoning), and

WHEREAS, the ZBA determined that the most appropriate zoning to achieve this mixture of uses was Planning Unit Development, PUD zoning, and

WHEREAS, the Town of Hamburg has received a rezoning application from MHT Holdings, Inc. To rezone the 38.94 acre site located at the Southeastern corner of South Park Avenue and Big Tree Road, from R-3, Multi-family District to PUD, Planned Unit Development District, and

WHEREAS, the Hamburg Code Review Committee has reviewed this request and finds merit in the application with the following concerns which have been identified in the site plan review: Traffic, sewers, floodplain, wetlands, and project layout.

NOW THEREFORE BE IT RESOLVED, that the Hamburg Town Board finds merit in this application, noting that it may fit within the goals and objectives of the Comprehensive Plan, and

BE IT FURTHER RESOLVED, that the Town Board refer this matter to the Planning Board for their review, and for the resolution of the concerns stated by the Zoning Code Committee, and

BE IT FURTHER RESOLVED, that the Planning Board complete the environmental review of this project, and make their recommendation on this review and the rezoning request.

Moved: Cavalcoli

Seconded: Hochul

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

Councilwoman Hochul asks if this could revert back to the old zoning if the project doesn’t go through.

Mr. Reilly responds that this will not even get to the public hearing for the rezoning until the issues have been worked out. This will take at least 3 months if not more.

Councilman Cavalcoli comments that the issues can’t even be addressed until they are sent to the Planning Board. All they are saying is that it has merit and could provide excellent housing for seniors, but there are some serious considerations that need to be met.

Drew comments that this project could go forth under the current zoning. The problem with R zoning is that it is difficult to figure out dimensions and setbacks, so the ZBA recommended the PUD. Councilman Cavalcoli comments that if they don’t comply with what the PUD has been requested for they cannot go ahead. Councilwoman Hochul comments that a PUD is sort of a blank slate, there are a lot of uses in a PUD that she would not like to see there. She doesn’t want just a PUD zoning not tied to the plan. Drew responds that all PUD’s are tied to the plan.

X.

WHEREAS, the Town of Hamburg in accordance with the Comprehensive Plan reviewed the zoning on McKinley Parkway, and proposed amendments to the zoning in this area, and

WHEREAS, the Town Planning Department put together a proposal to amend the zoning in this area in 1999, with recommendations from the Planning Department and Zoning Code Review Committee, and

WHEREAS, the Town of Hamburg held the appropriate Public Hearing on these amendments, at which meeting many different opinions and concerns were given and no action was taken, and

WHEREAS, the Town of Hamburg has received a rezoning application from Liberatore Management for the rezoning of property located at the Southeastern corner of McKinley Parkway and Dorchester from C-3, Office District to C-1, Local Retail Business District for the purposes of constructing a bank, and

WHEREAS, the Zoning Code Review Committee has reviewed this request and based on the Comprehensive Plan and previous input from the public, Planning Board and Planning Department finds merit in this application.

NOW THEREFORE BE IT RESOLVED, that the Hamburg Town Board set a Public hearing on this matter for July 12, 2004 at 7:00 p.m.

Moved: Cavalcoli

Seconded: Quatroche

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

Councilman Quatroche comments that they have in this resolution “for the purposes of constructing a bank”. How restrictive can they be, can you be that specific. Drew they have looked at this since 1999 and it is a very difficult issue on McKinley. His recommendation is that he would not recommend rezoning with a specific use. You can limit uses that are not applicable or would have environmental issues, but you shouldn’t rezone for one use. It would be legally difficult. Councilwoman Hochul comments that the discussion five years ago was for this to be Hamburg Commercial which is very tightly controlled and aesthetically higher standards, but that doesn’t include a bank. Drew comments that they also looked at NC, but that would only include a very small bank and would have to be 100 ft. or more away from and existing house, which doesn’t apply here. They had talked about amending HC to include banks. Based upon the public hearing you can give direction. Councilwoman Hochul comments that they put a lot of thought into HC and applying it to the McKinley strip. Drew describes what they discussed at meetings, they have been struggling with this for five years. Drew comments that they need to have a strong conceptual idea for the rest of the area. Councilman Cavalcoli comments that they should take a strong look at changing the HC zoning to include banks, but that will take another public hearing because you are changing local law.

XI.

WHEREAS, in New York State about 235 percent of the state’s land area, or 7.6 million acres are used by 37,000 farms to produce a very diverse array of food products; and

WHEREAS, agricultural production returned over \$3 billion to the farm economy in 2002;and

WHEREAS, local government officials must continually be aware of the impact farming has on the economy, the environment and the quality of life in our communities; and

WHEREAS, the Erie-Niagara Framework for Regional Growth is currently analyzing pertinent data in relation to “urban sprawl” and its effects on rural farmland; and

WHEREAS, most recently, the New York State 2004 budget proposed to divide up the Farmland Protection funding by distributing \$3 million for the protection of farmland on Long Island, nearly million \$1.5 for the Capital Region, more than \$2.4 million for the Hudson Valley, \$2.2 for the North Country, \$2.2 million for Central New York and \$800,000 for Western New York; and

WHEREAS, there are a number of proposed bills in both the New York Assembly and Senate that would provide additional assistance to farmers and protect farmland, including, but not limited to: A.1787; S.3593; A.1414; S.0745; A.1793; S.0599; A.1976; S.1029; and A.2083; S.1163-A, and

WHEREAS, while many circumstances that influence the economics of farming in New York State are beyond the purview of local and county officials, it is time to discuss what can be done to assure the economic viability of farms and the protection of environmentally significant farmland in Erie County.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Hamburg is committed to protecting farmland and providing agricultural opportunities for farmers in Erie County, and be it further

RESOLVED, that this Honorable Body asks the Chair of the Energy and Environment Committee to invite the Supervisors of the Township of Amherst, Alden, Aurora, Boston, Brant, Cheektowaga, Clarence, Colden, Collins, Concord, Eden, Elma, Evans, Hamburg, Holland, Lancaster, Marilla, Newstead, North Collins, Orchard Park, Sardinia and Wales, Members or representatives of the Western New York Delegation to the New York State Legislature, along with representatives from the Erie County Department of Environment and Planning and the New York State Department of Environmental Conservation to a future committee meeting of the Erie County Legislature’s Energy and Environment Committee to discuss plans to better serve our farmers and protect farmland, and be it further

RESOLVED, that this Honorable Body implores the New York State Legislature and the Governor to continue to offer programs, incentives and initiatives that will protect farm land and sustain the economic viability of farming, especially in Erie County and Western New York, and be it further

RESOLVED, that certified copies of this resolution be forwarded to Governor George Pataki, the Western New York Delegation to the New York State Legislature, the Supervisors of Amherst, Alden, Aurora, Boston, Brant, Cheektowaga, Clarence, Colden, Collins, Concord, Eden, Elma, Evans, Hamburg, Holland, Lancaster, Marilla, Newstead, North Collins, Orchard Park, Sardinia and Wales, the Commissioner of Environment and Planning and the New York State Department of Environmental Conservation.

Moved: Hoak

Seconded: Unanimous

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

RESOLVED, that the Town Board authorize the Recreation Department to issue alcohol waivers for the following Taylor Road rentals in July:

7/1/04	7/9/04	7/19/04	7/28/04
7/2/04	7/10/04	7/21/04	7/29/04
7/3/04	7/11/04	7/22/04	7/30/04
7/4/04	7/12/04	7/23/04	7/31/04
7/6/04	7/16/04	7/24/04	
7/7/04	7/17/04	7/25/04	
7/8/04	7/18/04	7/26/04	

[illegible]

XIII.

RESOLVED, that the Town Board approve the Transfer of Appropriations for the Personnel Department within the 2004 Budget as follows:

From: Contingency	B1990.419	\$5,000
To: Prescription Drug	B9060.885	\$5,000

To fund for prescription reimbursements.

Moved: Hoak Seconded: Kesner
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
 Noes: None
 Carried

XIV.

RESOLVED, that the Town Board grant permission for Martin Denecke to travel to Cincinnati, Ohio for the USA Football Huddle on June 25th and 26th. As a Magnet Center for Quality Sports the Town of Hamburg received a scholarship to the event, which includes registration and accommodations. Use of Town vehicle or mileage reimbursement plus meal per diem is requested. Funds are available in Account A7020.492.

Moved: Quatroche Seconded: Hochul
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
Noes: None
Carried

XV.

RESOLVED, that the Town Board grant permission to link the Town of Hamburg Website with the National Alliance for Youth Sports for the purpose of offering a youth sport parent orientation program. The program helps parents better understand their role and responsibilities in supporting league goals, the coaches and the children involved in youth sports.

Moved: Quatroche
Seconded: Kesner
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
Noes: None
Carried

Councilman Quatroche commends the Recreation Department for taking on this initiative. He went to the first Hamburg Youth Sports Partnership meeting and one of the big topics of discussions was the role of parents during games. They have seen the good and the bad in that. He commends the Department for taking a proactive approach to this. It is very important we teach our youth responsibilities and good sportsmanship. He commends Marty Denecke and Tim Jerome.

WHEREAS, a Bond Anticipation Note with a balance of \$63,750 for sanitary sewer work in the area of the Electric Avenue Pump Station is due to be paid later this month. Because of the extra cost of Administrative fees to process this small amount, it is recommended by the Finance Department that the balance be advanced from the SS-21 Hamburg Master Sewer District fund balance, to be paid back in budget year 2005 from the following Sewer Districts:

Total	\$63,750
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THEREFORE BE IT RESOLVED, that the Town Board hereby approves the transfer of funds for this purpose.

Moved: Cavalcoli Seconded: Hochul
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
 Noes: None
 Carried

WHEREAS, bids for a new 4 door mini van were opened on 6/7/04 at 2:00 p.m.

WHEREAS, three bids were received and the lowest qualified bid was from West Herr Ford of Hamburg for \$17,648.00.

BE IT RESOLVED, that West Herr is awarded the bid and funds are available in account #A1640.202.

Moved: Quatroche
Seconded: Cavalcoli
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
Noes: None
Carried

RESOLVED, that the Town Board approve the hiring of personnel for the Recreation Department as follows:

1.	Saunders, Katie	A7265(230) Rec. Attendant A & C, DC	06/08/2004	\$7.00 Seasonal
2.	Kromke, Lauren	B7310(320) Rec. Attendant	06/21/2004	\$6.50 Seasonal
3.	Collins, Ann	A7265(230) Rec. Attendant	06/08/2004	\$7.00 Seasonal
4.	Bartolotti, Michael	A7265(230) Rec. Attendant	06/08/2004	\$9.00 Seasonal
5.	Dziob, Mark	B7310(320) Rec. Attendant	06/21/2004	\$9.25 Seasonal
6.	Robar, Stacey	B7310(320) Rec. Attendant	06/14/2004	\$7.00 Seasonal

Moved: Quatroche Seconded: Kesner
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
 Noes: None
 Carried

WHEREAS, an existing 8 inch diameter Erie County Sewer District No. 3 sanitary sewer crosses through property which was dedicated to the Town of Hamburg in 2001 as part of the development of the Best Street Subdivision; and

SBL No. 183.15-4-112, Permanent Easement - 830 feet long by 25 feet wide area.

THEREFORE BE IT RESOLVED, that the Town Board hereby approves the granting of this easement, and that the Town Supervisor is authorized to execute the associated easement documents.

Lake Shore Road - 7 additional hydrants
Big Tree Road - 1 additional hydrant
West Highland Pkwy. - 1 additional hydrant
Cavalier Court - 1 additional hydrant
Glendale Avenue - 1 additional hydrant
Seabreeze Avenue - 1 additional hydrant
Salisbury Place - 2 additional hydrants

Councilman Cavalcoti questions where the money comes from for this, is it from the special districts. Mr. Kapsiak responds that it comes from a charge that is assessed from all Town properties. There is a hydrant charge on the tax bill every year under the special district listing.

XXI.

WHEREAS, Erie County Sewer District No. 3 is planning to install a gravity sewer system to replace their existing wastewater pump station located on Southwestern Blvd. near the Thruway overpass; and

WHEREAS, the County has requested sewer easements from the Town of Hamburg for portions of the project proposed to be undertaken within Town property, as follows:

SBL No. 171.06-1-23, Temporary Easement - 45 feet long by 30 feet wide area.
SBL No. 160.18-1-6, Permanent Easement - 875 feet long by 20 feet wide area; and
Temporary Easement - 875 feet long by 30 feet wide area.

WHEREAS, the proposed easements have been reviewed by the Legal Department and Engineering Department, who have determined that they will not result in any interference with Town usage of the properties, and recommended that the Town Board approve the easement agreements,

THEREFORE BE IT RESOLVED, that the Town Board hereby approves the granting of these easements, and that the Town Supervisor is authorized to execute the associated easement documents.

Moved: Cavalcoli

Seconded: Quatroche

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

XXIII.

BE IT RESOLVED, that the Town Board hereby requests the Erie County Dept. of Public Works, Division of Highways to modify the traffic signal permit previously issued for the Legion Drive/Division Street intersection, in order that the signal will be in flash mode (flashing red on Division and flashing yellow on Legion) at all times except when a pedestrian activates the signal for crossing the road. This is for the purpose of further improving pedestrian crossing safety, while minimizing delays to vehicular traffic during times that no pedestrians are crossing the road.

BE IT FURTHER RESOLVED, that the Town Board requests Erie County to study and consider the installation of a turning lane and/or protected left turn signal on Legion Drive, in order to alleviate traffic congestion that occurs on Legion Drive during the morning and afternoon peak school traffic periods.

BE IT FURTHER RESOLVED, that two R9-4 “Do Not Block Driveway” signs be erected and maintained by the Buildings and Grounds Department along the eastbound side of Legion Drive, at the Hamburg High School main entrance driveway and easterly parking lot driveway.

BE IT FURTHER RESOLVED, that two R7-4 “7AM-6PM School Days” signs be erected and maintained by the Buildings and Grounds Department beneath the “School Speed Limit 15 MPH” signs presently in place along Legion Drive.

BE IT FURTHER RESOLVED, that the Town Clerk provide the Engineering Department with two certified copies of this resolution, for transmittal to Erie County and the Village of Hamburg.

Moved: Hochul

Seconded: Quatroche

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

Councilwoman Hochul comments that this is the result of a meeting that they had Friday morning at the Erie County Highway Department. They wanted to make sure that pedestrian safety was improved and they wanted to make sure that traffic flows through there as well. They believe that these changes will help. The Town also purchased a controller so they will be able to control the timing. Overall they have gotten a great response. She thanks Jim Connolly and Paul Gaughn for all their assistance.

XXIV.

WHEREAS, Bill Koerner began his career as an employee of the Town of Hamburg on October 10, 1969.

WHEREAS, Bill has worked at many positions in the Buildings and Grounds Department over the past 35 years, most notably as Head Mechanic, Golf Course Maintenance, Sanitation Foreman, and Deputy Superintendent.

WHEREAS, Bill served diligently in various union positions, most notably as a President of CSEA Local 815.

WHEREAS, throughout his career in all these positions, Bill consistently provided the people of Hamburg with superior service, always in a truly professional manner.

WHEREAS, Bill Koerner retires on July 16, 2004.

BE IT RESOLVED, that on behalf of the Town of Hamburg, the Town Board officially thanks Bill for his dedication to the Town over the past 35 years and they offer best wishes to Bill, his wife, Karen and daughter Christine, in the future in his retirement years.

Moved: Quatroche

Seconded: Unanimous

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

Councilwoman Hochul comments that he worked so hard on the Blast on the Beach, he was such an asset to the Town, he was a true public servant.

RESOLVED, that the Town Board approve the Audit of Cash Disbursements as follows:

Moved: Hoak Seconded: Cavalcoli
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
 Noes: None
 Carried

Letter #59 – Supervisor Hoak comments that this is from Steve Strnad concerning speeding in the neighborhood of Ontario, Monroe, Adams and Electric. Supervisor Hoak refers this to Chief Coggins.

Letter #65 – Supervisor Hoak comments that this is from the National Recreation and Park Association stating that the Town of Hamburg Recreation Department is one of 37 communities selected by the NRPA and the NFL to improve quality of youth sports. Congratulations to Mr. Denecke and staff. The public always hears from the Board what a great job they are doing and now they are hearing it from others. Kudos to the Recreation staff.

Letter #67 – Supervisor Hoak comments that this is from Wilson Farms on Lake Shore Road concerning a parking problem. He knows that the Chief of Police has had correspondence with the owner and they are working on this.

Letter #68 – Supervisor Hoak comments that at the Legionnaires Convention there were over 500 people in attendance and Marty Moot was named Legionnaire of the Year. That was a very special award. This was out of thousands in the County. Congratulations to him.

Letter #66 – Councilwoman Hochul comments that this is from the Hamburg Libraries. She sits on the Library Board and they have had a very successful year. Circulation was up 17% in Blasdell, up 6% in Hamburg and 12% in Lakeshore. She wants to give recognition to Mr. Connolly and his Departments for all the improvements they have made. They essentially run the buildings. Supervisor Hoak comments that George Lee should get recognition as well, he has been a spokesperson for the Southtowns Libraries.

Reports From Town Board Members and Department Heads

Councilman Cavalcoli no report.

Councilwoman Kesner reports that the Hamburg Fire Chiefs have submitted their recommendations for firefighters for the firefighter of the month awards. She would like to publicly submit them. They are Beth Moses with Hamburg Volunteer Fire Company, Rich Horvath from Woodlawn Volunteer Fire Company, Tim Caughel from Armor Volunteer Fire Company, Richard Jedynak from Big Tree Volunteer Fire Company, Joseph Fox from Blasdell Volunteer Fire Company and Lawrence Januchowski, III from Lakeshore Volunteer Fire Company. She publicly thanks them for their outstanding service to all the residents of Hamburg.

Councilwoman Hochul comments that since they don't meet publicly until July 12th she wants to make an announcement on the Blast on the Beach which will be held on July 31st. One new addition will be Hamburg Idol. They are inviting all teenagers from ages 12 to 18 to compete. The preliminaries will be held at the McKinley Mall on June 30th from 5:00 pm to 8:00 pm in the Food Court and they encourage everyone in the community to come out and watch this. From the sixty registered participants they will be selecting 15 finalists to perform at the Blast at the Beach. This is being run by our Youth Department. They are also having a Volleyball Tournament. This year they're going to do a tribute to their volunteers. They are asking people who are members of a volunteer organization to submit a picture of their group for display at the Blast on the Beach and they will be giving recognition at 5:00 p.m. At the meeting with the County Highway Department they asked why McKinley Parkway still has not been repaired. They are doing some sewer lines and as soon as that is done, she has been guaranteed that they will be paving McKinley Parkway.

Councilman Quatroche no report.

Supervisor Hoak questions George Lee when the Blasdell Night Out is. George responds that it is August 3rd. The Festival for July 4th will be held on July 2nd with a rain date of July 3rd. Supervisor Hoak comments that there are over 10,000 that attend this, he really recommends this for the family.

Catherine Rybczynski, Town Clerk, announces that July 17th is Burger Fest. There will be an antique car show and the usual activities. This is run by the service groups in Hamburg, the two Rotary Clubs, the Kiwanis and the Lions so they would appreciate everyone's support.

Business From the Floor

Wally Kaleta, Adam Street, wants to know what it cost to repave Scranton Road. Mr. Connolly responds that he will call him tomorrow with the answer.

Ferd Garcia, Columbia Ave., questions if there is a County or Town Law that prohibits discharging swimming pool water onto neighboring lands. Mr. Allen, Supervising Building Inspector, comments that there is a Town Law that prohibits the discharge of waste water from pools onto adjoining property. This should be approved to go into the storm sewer. Ferd responds that his uphill neighbor was under three inches of water in his back yard and his front yard was under 2 inches of water. Councilman Quatroche comments call the Building Inspector.

Ray Peterson, 4954 Rogers Road, Correspondence #61 comments that he has not been contacted by anyone.

Councilman Cavalcoli comments that he just read this earlier. He is the liaison for the Planning Department and he will get the information for him. On these cases, they must comply through their engineering studies, to make sure that there is adequate system to carry off any storm or sewer waters. They have to comply with the Erie County Sewer and they have to have the right permits. Mr. Kapsiak would handle all that when it comes in for site plan review. There is adequate inspection of all of this and preparation and plans that have to be submitted and approved before they can go ahead and construct that. He comments that he can speak with Mr. Kapsiak after the meeting and he can explain the process to him. Mr. Peterson questions if there are any plans for the existing sewer lines. Mr. Kapsiak responds that they already have conducted about \$100,000 worth of improvements to the existing lines. It has helped to alleviate some of the problems but has not totally resolve the situation. Unless they do further study they won't be able to find further sources of extreme flows in the system. Councilman Cavalcoli comments that anything new would have to comply. Mr. Kapsiak comments that it is not just the Town's approval, they would need to comply with the State DEC and County Health Department. Mr. Peterson comments, so, the existing lines are as good as its going to get. Mr. Kapsiak responds per the funding they have been allocated for the project, yes. Mr. Peterson questions who should he talk to on his problem. Councilman Cavalcoli comments Mr. Kapsiak is the person to talk to. He should visit him in the office for further discussion.

Joe Kilian, United Council, comments that he was extremely disappointed to see a five lane proposal for Route 5. When they were trying to come to some sort of a compromise, Evans was mean spirited in their approach. They feel it's ok to take away our waterfront when they are trying to push theirs. They want people to wisk through Hamburg to get to theirs. Councilwoman Hochul comments that she was at the same meeting and she doesn't feel she came out with the same message. She feels that the five lane was brought up briefly and they all said don't go there and she thinks everyone agreed with that. she doesn't feel there is any need to chastise neighboring Town's. Councilman Quatroche comments that they said that as part of the process they had to put that in there, but the studies show that is not a viable option. They have to look at every option but he did not get any indication that it was a viable option or that they are looking in that direction. The Town of Hamburg has been very clear in what they want and he doesn't feel that this option will happen.

Karl Vogel, North Shore Drive, wants to know how to go about getting a No Parking sign put on North Shore Drive. Councilwoman Hochul responds that he needs to put that in writing to the Town and they will refer it to Time Ellis, Traffic Safety Consultant. Karl comments that there is an old sign there that you can't read it anymore. A couple of years ago they requested No Parking signs and the Town put up signs down at the end of the street. They have a couple of individuals down there that constantly block the street. When the Hamburg Town Police came down they were told that the signs were put there because of the Dock at the Bay and he was told the signs are not legal and they can't write tickets. Mr. Ellis comments that the signs are part of the ordinance and are legal. Supervisor Hoak comments that Mr. Vogel should talk to Chief Coggins after the meeting .

XXVI.

RESOLVED, that the Town Board adjourn to Executive Session at 8:25 p.m. with Finance, Planning, Engineering and Legal.

Moved: Hoak

Seconded: Quatroche

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

Correspondence – June 14, 2004

58 – To Supervisor Hoak from the Town Clerk's Office, the Monthly Report for May 2004 with receipts totaling \$61,308.58.

59 – To the Town Board from Stephen Strnad, Scranton-McKinley Taxpayers Assoc., commenting that there is speeding in his neighborhood on a regular basis. Asking for an unmarked police car to patrol the most problematic streets which are Ontario, Monroe, Adams and Electric.

60 – To the Town Board from Craig and Gail Rose stating that they are opposed to the Town's attempt to condemn Donald Spittler, Jr.'s property and begin eminent domain proceedings. The landfill should be moved from the Spittler property and properly capped.

61 – To Supervisor Hoak from Ray and Jo Ann Peterson, 4954 Rogers Road, stating they have lived there for 25 years and have been inconvenienced by the inadequate sanitary sewer lines on Rogers Road. They have questions concerning these sewer lines and the planned Woodstream Estates development.

62 – To Supervisor Hoak from NYS Office of Parks, Recreation and Historic Preservation regarding Woodlawn Beach State Park bathing water quality beach closure protocol for summer 2004.

63 – To the Town Board from Joe Kilian, United Council of Hamburg Taxpayers, stating that at their April meeting they discussed concerns regarding the increase of traffic on South Park Avenue due to the addition of slot machines at the Hamburg Raceway. It is the opinion of their membership along with COLT, Locksley Park, South West, Woodlawn, Sagamore-Osborne-Highland Acres and Scranton-McKinley Taxpayers that a traffic signal be installed at South Park and Scranton Road.

64 – To Supervisor Hoak from Gary J. Smith stating that he regrets to tender his resignation as a Commissioner of the Town of Hamburg Zoning Board of Appeals, however, he is no longer a resident of the Town.

65 – To Supervisor Hoak from Kathy Spangler, National Recreation and Park Association stating that it is her pleasure to inform him that Hamburg Recreation Department is one of 37 communities selected by the NRPA and the NFL to improve the quality of youth sports nationwide. They will be holding a Quality Youth Sports Summit in Hamburg along with a Youth Sport Festival. They are excited to learn from our community, to help ensure that all youth benefit from a positive sport experience.

66 – To the Town Board from the Hamburg Public Libraries, a copy of the Annual Report to the Community 2003.

67 – To Supervisor Hoak from Wilson Farms, 4931 Lakeshore Road, stating that as the weather warms up, parking becomes over-crowded with cars from the Root 5 Restaurant across the street. They have put up No Parking signs as requested last summer, but there is a question as to whether police can ticket cars. They need their plaza parking to be for plaza customers only. Asking for help at the Town Board meeting.

68 – To Supervisor Hoak from Marty Moot, Hamburg American Legion Post No. 527, stating they had a very successful County Convention and thanking him for his speech and assistance in the Memorial Day celebration.